FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
CIVIL APPLICATION NO. 5088 OF 2006
IN
FIRST APPEAL NO.2622 OF 1983

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.A.Sawant, for the applicant.
Ms.E. A.Gonsalves, for the respondents.

CORAM: D.B.BHOSALE,J.
DATED: 28.11.2006

P.C.:

Heard the learned counsel for the parties.

Mr.Savant, learned counsel for the applicant, submits that the applicant has already filed the appeal in the Supreme Court challenging the judgment and order passed by this court on 10.8.2006 and that the appeal is likely to come up for hearing within 8-10 days. On this ground, he seeks protection of his possession for a period of 15 days from today. Ms.E.A.Gonsalves, learned counsel for the respondents, submits that even if the protection, as prayed for, is granted, the respondents may be allowed to initiate the execution proceedings. She further submits that the applicant may be

directed to serve a copy of the appeal filed in the Supreme Court to the respondent or their advocate. Mr Sawant has no objection for the same. Hence, I pass the following order.

Liberty to the respondents-decree holders to initiate the execution proceedings.The applicant, however, shall not be dispossessed for a period of 15 days from today. The applicant is also directed to serve a copy of the appeal, as aforestated, within one week from today on Ms E.A.Gonsalves, Advocate for the respondent. The undertaking filed by the applicant shall continue to remain in force for a period of 15 days from today.

The civil application is dismissed of.

(D.B.Bhosale, J.)